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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 3rd December, 1987:—

BILL No. L OF 1987

A Bill to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Beedi and Cigar Workers (Conditions of Employment) Amendment Act, 1987. Short title and commencement.

(*2*) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed by the State Government for different areas and for different provisions of this Act.

2. In section 2 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (hereinafter referred to as the principal Act), 32 of 1966. Amendment of section 2.

(*a*) in clause (*f*).—

(*i*) in the opening paragraph, after the word "establishment", the words "or godown" shall be inserted;

(*ii*) in sub-clause (*ii*), after the words "or contractor", the words "or both" shall be inserted;

(*b*) after clause (*h*), the following clause shall be inserted, namely:—

'(*hh*) "godown" means any warehouse or other place, by whatever name called, used for the storage of—

(*i*) any article or substance required for any manufacturing process; or

(*ii*) beedi or cigar or both;';

(*c*) in clause (*i*), the words "and includes a godown attached thereto" shall be added at the end.

Insertion of new section 7A.

3. After section 7 of the principal Act, the following section shall be inserted, namely:—

Inspector not to disclose the source of any complaints, etc.

"7A. (*1*) No Inspector shall disclose the source of any complaint made to him regarding the contravention of any of the provisions of this Act.

(*2*) No Inspector shall, while making an inspection under this Act in pursuance of a complaint received by him, disclose to the employer or contractor concerned or any of his representative that the inspection is being made in pursuance of a complaint:

Provided that nothing in this section shall apply to any case in which the person who has made the complaint has consented to disclose his name.".

Amendment of section 14.

4. In section 14 of the principal Act, in sub-section (*1*), for the word "fifty", the word "thirty" shall be substituted.

Amendment of section 18.

5. In section 18 of the principal Act, after sub-section (*2*), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—Where an employee had not worked on any day of the week immediately preceding the week in which the overtime work has been done, any week preceding such week in which he had actually worked shall be taken into account in calculating the overtime rate for the purpose of this sub-section.".

Amendment of section 21.

6. In section 21 of the principal Act, to sub-section (*1*), the following proviso shall be added, namely:—

"Provided that a copy of every such notice shall be sent to the Inspector having jurisdiction over the industrial premises within two weeks from the date on which such notice is exhibited in the industrial premises.".

Amendment of section 31.

7. In section 31 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The appellate authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:— 5 of 1908.

(a) enforcing the attendance of any person and examining him on oath; and

(b) compelling the production of documents and material objects.".

Amendment of section 32.

8. In section 32 of the principal Act, for the words "three months" and "five hundred rupees', the words "six months" and "five thousand rupees" shall respectively be substituted.

Amendment of section 39.

9. In section 39 of the principal Act, in sub-section (2), for the portion beginning with the words "shall be settled" and ending with the words "specify in this behalf", the following shall be substituted, namely:—

"shall be referred for settlement within such time and by such authority as the State Government may, by rules, specify in this behalf and such rules may also provide the summary manner in which such dispute shall be settled".

Amendment of section 44.

10. In section 44 of the principal Act, in sub-section (2), in clause (w), for the words "authority by which and the manner in which a dispute as to the issue of raw materials shall be settled", the words "the time within which a dispute specified in sub-section (2) of section 39 shall be referred for settlement, the authority by which and the summary manner in which such dispute shall be settled" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 has been enacted to provide for the welfare of the beedi and cigar workers and to regulate their conditions of employment, etc. The implementing agencies have experienced some administrative and practical difficulties in effectively implementing the provisions of the Act. With a view to overcoming these difficulties, it is proposed to amend the Act.

2. The Bill, *inter alia*, seeks to make the following amendments in the Act, namely:—

(*i*) to extend the coverage of the Act to the employees working in godowns and warehouses and also those who are working with the permission of or under agreement with both the employer and the contractor;

(*ii*) to make the provision regarding calculation of overtime wages of the workers employed on piece-rate basis more clear and unambiguous;

(*iii*) to confer on the appellate authority the powers of civil court for the purposes of compelling attendance of witnesses and compulsory production of records;

(*iv*) to make the penal provisions more stringent; and

(*v*) to empower the State Government to prescribe the time limit within which a dispute between an employer and employee relating to the issue of raw materials by the employer to the employee, payment of wages for the beedi and cigar or both rejected by the employer, etc., shall be referred for settlement.

3. India has ratified the Labour Inspection Convention No. 81 of the I.L.O. Accordingly, the Bill also seeks to introduce a provision that Labour Inspectors shall treat as absolutely confidential the source of any complaint regarding the breach of any provision of the Act.

4. The Bill seeks to achieve the above objects.

PURNO A. SANGMA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Beedi and Cigar Workers (Conditions of Employment) Amendment Bill, 1987 seeks to amend clause (w) of sub-section (2) of section 44 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 to empower the State Government to make rules to specify the time limit within which a dispute under section 39 of the said Act shall be referred to the prescribed authority.

2. The above delegation pertains to matter of procedure, as such, the delegation of legislative power involved is of a normal character.

SUDARSHAN AGARWAL,
Secretary-General.

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